

By: Zaffirini, et al.
(Smithee)

S.B. No. 42

Substitute the following for S.B. No. 42:

By: Smithee

C.S.S.B. No. 42

A BILL TO BE ENTITLED

AN ACT

relating to the security of courts and judges in the state;
establishing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as the Judge Julie Kocurek
Judicial and Courthouse Security Act of 2017.

SECTION 2. Article 102.017(f), Code of Criminal Procedure,
is amended to read as follows:

(f) The sheriff, constable, or other law enforcement agency
or entity that provides security for a court [~~A local~~
~~administrative judge~~] shall provide to the Office of Court
Administration of the Texas Judicial System a written report
regarding any security incident involving court security that
occurs in or around a building housing a court for which the
sheriff, constable, agency, or entity provides security [~~judge~~
~~serves as local administrative judge~~] not later than the third
business day after the date the incident occurred. A copy of the
report must be provided to the presiding judge of the court in which
the incident occurred. The report is confidential and exempt from
disclosure under Chapter 552, Government Code.

SECTION 3. Subchapter A, Chapter 29, Government Code, is
amended by adding Section 29.014 to read as follows:

Sec. 29.014. COURT SECURITY COMMITTEE. (a) The presiding
or municipal judge, as applicable, shall establish a court security

committee composed of:

(1) the presiding or municipal judge, or the judge's designee;

(2) a representative of the law enforcement agency or other entity that provides the primary security for the court;

(3) a representative of the municipality; and

(4) any other person the committee determines necessary to assist the committee.

(b) The person described by Subsection (a)(1) serves as presiding officer of the committee.

(c) The committee shall establish the policies and procedures necessary to provide adequate security to the municipal courts served by the presiding or municipal judge, as applicable.

(d) A committee may recommend to the municipality the uses of resources and expenditures of money for courthouse security, but may not direct the assignment of those resources or the expenditure of those funds.

SECTION 4. Section 30.00007, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The presiding judge shall:

(1) maintain a central docket for cases filed within the territorial limits of the municipality over which the municipal courts of record have jurisdiction;

(2) provide for the distribution of cases from the central docket to the individual municipal judges to equalize the distribution of business in the courts;

1 (3) request the jurors needed for cases that are set
2 for trial by jury;

3 (4) temporarily assign judges or substitute judges to
4 exchange benches and to act for each other in a proceeding pending
5 in a court if necessary for the expeditious disposition of business
6 in the courts; ~~and~~

7 (5) supervise and control the operation and clerical
8 functions of the administrative department of each court, including
9 the court's personnel, during the proceedings of the court; and

10 (6) establish a court security committee to adopt
11 security policies and procedures for the courts served by the
12 presiding judge that is composed of:

13 (A) the presiding judge, or the presiding judge's
14 designee, who serves as presiding officer of the committee;

15 (B) a representative of the law enforcement
16 agency or other entity that provides the primary security for the
17 court;

18 (C) a representative of the municipality; and

19 (D) any other person the committee determines
20 necessary to assist the committee.

21 (c) A court security committee may recommend to the
22 governing body the uses of resources and expenditures of money for
23 courthouse security, but may not direct the assignment of those
24 resources or the expenditure of those funds.

25 SECTION 5. Chapter 51, Government Code, is amended by
26 adding Subchapter N to read as follows:

1 SUBCHAPTER N. ADDITIONAL FILING FEE FOR JUDICIAL AND COURT

2 PERSONNEL TRAINING

3 Sec. 51.971. JUDICIAL AND COURT PERSONNEL TRAINING FEE.

4 (a) In addition to other fees authorized or required by law, the
5 clerk of a district court, county court, statutory county court,
6 statutory probate court, or justice court shall collect a \$5 fee on
7 the filing of any civil action or proceeding requiring a filing fee,
8 including an appeal, and on the filing of any counterclaim,
9 cross-action, intervention, interpleader, or third party action
10 requiring a filing fee to be used as provided under Section 56.003.

11 (b) A court may waive payment of a fee due under this section
12 for an individual the court determines is indigent.

13 (c) Fees due under this section shall be collected in the
14 same manner as other fees, fines, or costs in the case.

15 (d) The clerk of a district court, county court, statutory
16 county court, statutory probate court, or justice court shall
17 deposit the court costs and fees collected under this section in the
18 appropriate local treasury and remit the court costs and fees to the
19 comptroller in the manner provided under Subchapter B, Chapter 133,
20 Local Government Code.

21 (e) The comptroller shall deposit the fees received under
22 this section to the credit of the judicial and court personnel
23 training fund established under Section 56.001.

24 (f) The comptroller may audit the records of a county
25 related to costs and fees collected under this section.

26 (g) Money spent from costs and fees collected under this
27 section is subject to audit by the state auditor.

SECTION 6. Section 56.003, Government Code, is amended by adding Subsection (h) to read as follows:

(h) The court of criminal appeals shall grant legal funds to statewide professional associations and other entities that provide training to individuals responsible for providing court security.

SECTION 7. Section 56.004(b), Government Code, is amended to read as follows:

(b) The legislature shall appropriate funds from the judicial and court personnel training fund to the court of criminal appeals to provide for:

(1) continuing legal education, technical assistance, and other support programs for prosecuting attorneys and their personnel, criminal defense attorneys who regularly represent indigent defendants in criminal matters and their personnel, and justices of the peace and their court personnel; ~~and~~

(2) innocence training programs for law enforcement officers, law students, and other participants; and

(3) court security training programs for individuals responsible for providing court security.

SECTION 8. Subchapter B, Chapter 72, Government Code, is amended by adding Sections 72.015 and 72.016 to read as follows:

Sec. 72.015. JUDICIAL SECURITY DIVISION. (a) The office shall establish a judicial security division to provide guidance to state court personnel on improving security for each court.

(b) The office shall appoint a director of security and emergency preparedness to oversee the judicial security division.

1 (c) The judicial security division shall:

2 (1) serve as a central resource for information on
3 local and national best practices for court security and the safety
4 of court personnel;

5 (2) provide an expert opinion on the technical aspects
6 of court security; and

7 (3) keep abreast of and provide training on recent
8 court security improvements.

9 Sec. 72.016. NOTIFICATION PROCEDURE FOR JUDICIAL PRIVACY.

10 The director shall develop a procedure to regularly notify county
11 registrars, the Department of Public Safety, the Texas Ethics
12 Commission, and any other state agency the office determines should
13 be notified of the judges, judges' spouses, and related family
14 members whose personal information must be kept from public
15 records, as provided under Sections 552.117 and 572.035 of this
16 code, Sections 13.0021 and 15.0215, Election Code, and Section
17 521.121, Transportation Code.

18 SECTION 9. Section 74.092, Government Code, is amended to
19 read as follows:

20 Sec. 74.092. DUTIES OF LOCAL ADMINISTRATIVE JUDGE. (a) A
21 local administrative judge, for the courts for which the judge
22 serves as local administrative judge, shall:

23 (1) implement and execute the local rules of
24 administration, including the assignment, docketing, transfer, and
25 hearing of cases;

26 (2) appoint any special or standing committees
27 necessary or desirable for court management and administration;

1 (3) promulgate local rules of administration if the
2 other judges do not act by a majority vote;

3 (4) recommend to the regional presiding judge any
4 needs for assignment from outside the county to dispose of court
5 caseloads;

6 (5) supervise the expeditious movement of court
7 caseloads, subject to local, regional, and state rules of
8 administration;

9 (6) provide the supreme court and the office of court
10 administration requested statistical and management information;

11 (7) set the hours and places for holding court in the
12 county;

13 (8) supervise the employment and performance of
14 nonjudicial personnel;

15 (9) supervise the budget and fiscal matters of the
16 local courts, subject to local rules of administration;

17 (10) coordinate and cooperate with any other local
18 administrative judge in the district in the assignment of cases in
19 the courts' concurrent jurisdiction for the efficient operation of
20 the court system and the effective administration of justice;

21 (11) if requested by the courts the judge serves,
22 establish and maintain the lists required by Section 37.003 and
23 ensure appointments are made from the lists in accordance with
24 Section 37.004; ~~and~~

25 (12) perform other duties as may be directed by the
26 chief justice or a regional presiding judge; and

27 (13) establish a court security committee to adopt

security policies and procedures for the courts served by the local administrative district judge that is composed of:

(A) the local administrative district judge, or the judge's designee, who serves as presiding officer of the committee;

(B) a representative of the sheriff's office;

(C) a representative of the county commissioners court;

(D) one judge of each type of court in the county other than a municipal court or a municipal court of record;

(E) a representative of any county attorney's office, district attorney's office, or criminal district attorney's office that serves in the applicable courts; and

(F) any other person the committee determines necessary to assist the committee.

(b) A court security committee may recommend to the county commissioners court the uses of resources and expenditures of money for courthouse security, but may not direct the assignment of those resources or the expenditure of those funds.

SECTION 10. Subchapter D, Chapter 101, Government Code, is amended by adding Section 101.06111 to read as follows:

Sec. 101.06111. ADDITIONAL DISTRICT COURT FEES: GOVERNMENT CODE. The clerk of a district court shall collect an additional filing fee of \$5 under Section 51.971 in civil cases to fund judicial and court personnel training.

SECTION 11. Subchapter E, Chapter 101, Government Code, is amended by adding Section 101.08111 to read as follows:

1 Sec. 101.08111. ADDITIONAL STATUTORY COUNTY COURT FEES:
2 GOVERNMENT CODE. The clerk of a statutory county court shall
3 collect an additional filing fee of \$5 under Section 51.971 in civil
4 cases to fund judicial and court personnel training.

5 SECTION 12. Subchapter F, Chapter 101, Government Code, is
6 amended by adding Section 101.10111 to read as follows:

7 Sec. 101.10111. ADDITIONAL STATUTORY PROBATE COURT FEES:
8 GOVERNMENT CODE. The clerk of a statutory probate court shall
9 collect an additional filing fee of \$5 under Section 51.971 in civil
10 cases to fund judicial and court personnel training.

11 SECTION 13. Subchapter G, Chapter 101, Government Code, is
12 amended by adding Section 101.12121 to read as follows:

13 Sec. 101.12121. ADDITIONAL COUNTY COURT FEES: GOVERNMENT
14 CODE. The clerk of a county court shall collect an additional
15 filing fee of \$5 under Section 51.971 in civil cases to fund
16 judicial and court personnel training.

17 SECTION 14. Subchapter H, Chapter 101, Government Code, is
18 amended by adding Section 101.1411 to read as follows:

19 Sec. 101.1411. ADDITIONAL JUSTICE COURT FEES: GOVERNMENT
20 CODE. The clerk of a justice court shall collect an additional
21 filing fee of \$5 under Section 51.971 in civil cases to fund
22 judicial and court personnel training.

23 SECTION 15. Subtitle L, Title 2, Government Code, is
24 amended by adding Chapter 158 to read as follows:

25 CHAPTER 158. COURT SECURITY OFFICERS

26 Sec. 158.001. DEFINITION. In this chapter, "court security
27 officer" means a constable, sheriff, sheriff's deputy, municipal

1 peace officer, or any other person assigned to provide security for
2 an appellate, district, statutory county, county, municipal, or
3 justice court in this state.

4 Sec. 158.002. COURT SECURITY CERTIFICATION. (a) Except as
5 provided by Subsection (b), a person may not serve as a court
6 security officer for an appellate, district, statutory county,
7 county, municipal, or justice court in this state unless the person
8 holds a court security certification issued by a training program
9 approved by the Texas Commission on Law Enforcement.

10 (b) A court security officer is not required to hold a court
11 security certification to provide security to a court described by
12 Subsection (a) before the first anniversary of the date the officer
13 begins providing security for the court.

14 Sec. 158.003. VERIFICATION. The sheriff, constable, law
15 enforcement agency, or other entity that provides security for a
16 court shall verify that each court security officer holds the court
17 security certification as required by this chapter.

18 SECTION 16. Subchapter D, Chapter 411, Government Code, is
19 amended by adding Section 411.0485 to read as follows:

20 Sec. 411.0485. PROTECTION FOR JUDGES. Any commissioned
21 peace officer in this state, including a commissioned officer of
22 the department, may provide personal security to a state judge at
23 any location in this state, regardless of the location of the law
24 enforcement agency or department that employs or commissions the
25 peace officer.

26 SECTION 17. Section 552.117(a), Government Code, is amended
27 to read as follows:

1 (a) Information is excepted from the requirements of
2 Section 552.021 if it is information that relates to the home
3 address, home telephone number, emergency contact information, or
4 social security number of the following person or that reveals
5 whether the person has family members:

6 (1) a current or former official or employee of a
7 governmental body, except as otherwise provided by Section 552.024;

8 (2) a peace officer as defined by Article 2.12, Code of
9 Criminal Procedure, or a security officer commissioned under
10 Section 51.212, Education Code, regardless of whether the officer
11 complies with Section 552.024 or 552.1175, as applicable;

12 (3) a current or former employee of the Texas
13 Department of Criminal Justice or of the predecessor in function of
14 the department or any division of the department, regardless of
15 whether the current or former employee complies with Section
16 552.1175;

17 (4) a peace officer as defined by Article 2.12, Code of
18 Criminal Procedure, or other law, a reserve law enforcement
19 officer, a commissioned deputy game warden, or a corrections
20 officer in a municipal, county, or state penal institution in this
21 state who was killed in the line of duty, regardless of whether the
22 deceased complied with Section 552.024 or 552.1175;

23 (5) a commissioned security officer as defined by
24 Section 1702.002, Occupations Code, regardless of whether the
25 officer complies with Section 552.024 or 552.1175, as applicable;

26 (6) an officer or employee of a community supervision
27 and corrections department established under Chapter 76 who

1 performs a duty described by Section 76.004(b), regardless of
2 whether the officer or employee complies with Section 552.024 or
3 552.1175;

4 (7) a current or former employee of the office of the
5 attorney general who is or was assigned to a division of that office
6 the duties of which involve law enforcement, regardless of whether
7 the current or former employee complies with Section 552.024 or
8 552.1175;

9 (8) a current or former employee of the Texas Juvenile
10 Justice Department or of the predecessors in function of the
11 department, regardless of whether the current or former employee
12 complies with Section 552.024 or 552.1175;

13 (9) a current or former juvenile probation or
14 supervision officer certified by the Texas Juvenile Justice
15 Department, or the predecessors in function of the department,
16 under Title 12, Human Resources Code, regardless of whether the
17 current or former officer complies with Section 552.024 or
18 552.1175;

19 (10) a current or former employee of a juvenile
20 justice program or facility, as those terms are defined by Section
21 261.405, Family Code, regardless of whether the current or former
22 employee complies with Section 552.024 or 552.1175; ~~[or]~~

23 (11) a current or former member of the Texas military
24 forces, as that term is defined by Section 437.001;

25 (12) a current or former federal judge or state judge,
26 as those terms are defined by Section 13.0021(a), Election Code, or
27 a spouse of a current or former federal judge or state judge; or

1 (13) a current or former district attorney, criminal
2 district attorney, or county attorney whose jurisdiction includes
3 any criminal law or child protective services matter.

4 SECTION 18. Section 572.002, Government Code, is amended by
5 adding Subdivision (11-a) to read as follows:

6 (11-a) "State judge" means:

7 (A) a judge, former judge, or retired judge of an
8 appellate court, a district court, a constitutional county court, a
9 county court at law, or a statutory probate court of this state;

10 (B) an associate judge appointed under Chapter
11 201, Family Code, or a retired associate judge or former associate
12 judge appointed under that chapter;

13 (C) a magistrate or associate judge appointed
14 under Chapter 54 or 54A;

15 (D) a justice of the peace; or

16 (E) a municipal court judge.

17 SECTION 19. Subchapter B, Chapter 572, Government Code, is
18 amended by adding Section 572.035 to read as follows:

19 Sec. 572.035. REMOVAL OF PERSONAL INFORMATION FOR FEDERAL
20 JUDGES, STATE JUDGES, AND SPOUSES. On receiving notice from the
21 Office of Court Administration of the Texas Judicial System of the
22 judge's qualification for the judge's office, the commission shall
23 remove or redact from any financial statement, or information
24 derived from a financial statement, that is available to the public
25 the residence address of a federal judge, a state judge, or the
26 spouse of a federal or state judge.

27 SECTION 20. Section 13.0021(a)(2), Election Code, is

amended to read as follows:

(2) "State judge" means:

(A) a judge, former judge, or retired judge of an appellate court, a district court, a constitutional county court, ~~[or]~~ a county court at law, or a statutory probate court of this state;

(B) an associate judge appointed under Chapter 201, Family Code, or a retired associate judge or former associate judge appointed under that chapter; ~~[or]~~

(C) a magistrate or associate judge appointed under Chapter 54 or 54A, Government Code;

(D) a justice of the peace; or

(E) a municipal court judge.

SECTION 21. Section 13.0021(b), Election Code, is amended to read as follows:

(b) If the registration applicant is a federal judge, a state judge, or the spouse of a state judge or a federal judge, the registrar of the county shall omit ~~[who seeks to have]~~ the applicant's residence address ~~[omitted]~~ from the registration list~~[, the applicant shall include with the application an affidavit stating that the applicant is a federal judge or state judge or the spouse of a federal judge or state judge].~~

SECTION 22. Section 15.0215, Election Code, is amended to read as follows:

Sec. 15.0215. OMISSION OF ADDRESS FOR ~~[NOTICE OF]~~ FEDERAL JUDGE OR STATE JUDGE AND SPOUSE ~~[STATUS]~~. (a) In this section, "federal judge" and "state judge" have the meanings assigned by

Section 13.0021.

(b) On receiving notice from the Office of Court Administration of the Texas Judicial System of the person's qualification for office as a [A] federal judge or [a] state judge and of the name of the judge's spouse, if applicable, [or the spouse of a federal judge or state judge who is registered to vote may at any time submit to] the registrar of the county in which the judge resides shall omit from the registration list the residence address of the judge and the spouse of the judge [an affidavit stating that the voter is a federal judge or state judge or the spouse of a federal judge or state judge].

(c) A registered district voter who wishes to verify that an elected judge whose personal identifying information is confidential under Section 552.1175, Government Code, resides in the district may request in writing that the registrar certify the judge lives in the district. The registrar shall exercise due diligence in determining the residence of the judge and respond to the voter in writing not later than the 10th business day after the date the request is received on whether the judge resides in the district. The registrar may not release the address of the judge. The registrar is not required to certify the residence of the same judge more than once in a calendar year, but must provide copies of the certification to subsequent requestors.

SECTION 23. Section 133.058(d), Local Government Code, is amended to read as follows:

(d) A county may not retain a service fee on the collection of a fee:

- 1 (1) for the judicial fund;
- 2 (2) under Article 42A.303 or 42A.653, Code of Criminal
- 3 Procedure; ~~or~~
- 4 (3) under Section 51.851, Government Code; or
- 5 (4) under Section 51.971, Government Code.

6 SECTION 24. Subchapter F, Chapter 1701, Occupations Code,
7 is amended by adding Section 1701.267 to read as follows:

8 Sec. 1701.267. TRAINING PROGRAM FOR COURT SECURITY
9 OFFICERS. (a) The commission, in consultation with the Office of
10 Court Administration of the Texas Judicial System, shall develop a
11 model court security curriculum for court security officers, as
12 required by Chapter 158, Government Code, and provide the
13 curriculum to any training program the commission approves to
14 provide training to court security officers.

15 (b) The commission shall issue a certificate to each court
16 security officer who completes the training program under this
17 section.

18 SECTION 25. Section 11.008, Property Code, is amended by
19 adding Subsection (j) to read as follows:

20 (j) On receipt of a written request from a federal judge,
21 state judge as defined by Section 572.002, Government Code, or
22 spouse of a federal or state judge, the county clerk shall omit or
23 redact from an instrument described by this section that is
24 available in an online database made public by the county clerk, or
25 by a provider with which the county commissioners court contracts
26 to provide the online database, social security number, driver's
27 license number, and residence address of the federal judge, state

judge, or spouse of the federal or state judge.

SECTION 26. Section 25.025(b), Tax Code, is amended to read as follows:

(b) Information in appraisal records under Section 25.02 is confidential and is available only for the official use of the appraisal district, this state, the comptroller, and taxing units and political subdivisions of this state if:

(1) the information identifies the home address of a named individual to whom this section applies; and

(2) the individual:

(A) chooses to restrict public access to the information on the form prescribed for that purpose by the comptroller under Section 5.07; or

(B) is a federal or state judge as defined by Section 572.002, Government Code, or the spouse of a federal or state judge, beginning on the date the Office of Court Administration of the Texas Judicial System notifies the appraisal district of the judge's qualification for the judge's office.

SECTION 27. Section 521.121(c), Transportation Code, is amended to read as follows:

(c) The department shall establish a procedure, on a license holder's qualification for office as a federal or state judge as defined by Section 572.002, Government Code, ~~[for a federal judge, a state judge, or the spouse of a federal or state judge]~~ to omit the ~~[license holder's]~~ residence address of the judge and the spouse of the judge on the license holder's license and to include, in lieu of that address, the street address of the courthouse in which the

1 license holder or license holder's spouse serves as a federal judge
2 or state judge. ~~[In establishing the procedure, the department
3 shall require sufficient documentary evidence to establish the
4 license holder's status as a federal judge, a state judge, or the
5 spouse of a federal or state judge.]~~

6 SECTION 28. (a) Not later than January 1, 2018, the Office
7 of Court Administration of the Texas Judicial System, the
8 Department of Public Safety, the Texas Ethics Commission, each
9 county clerk, each registrar, and any other county official
10 responsible for county records shall establish the policies and
11 procedures necessary to comply with the changes in law made by this
12 Act.

13 (b) As soon as practicable after the effective date of this
14 Act:

15 (1) the Office of Court Administration of the Texas
16 Judicial System shall establish the judicial security division; and

17 (2) each judge required to establish a court security
18 committee under this Act shall establish the committee.

19 SECTION 29. Section 51.607, Government Code, does not apply
20 to the imposition of a fee assessed under Section 51.971(a),
21 Government Code, as added by this Act.

22 SECTION 30. A person serving as a court security officer as
23 defined under Section 158.001, Government Code, as added by this
24 Act, on the effective date of this Act is not required to receive
25 the certification required under Section 158.002, Government Code,
26 as added by this Act, before September 1, 2019.

27 SECTION 31. This Act takes effect September 1, 2017.